



IPW

PATENT
Customer No. 22,852
Attorney Docket No. 06530.0295

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Robert DeVRIES et al.) Group Art Unit: 3739
)
Application No.: 10/748,243) Examiner: Unassigned
)
Filed: December 31, 2003) Confirmation No.: 6999
)
For: DEVICES AND METHODS FOR)
TISSUE INVAGINATION)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97(b) or (c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

However, in case the Patent Office issues the first Office Action on the merits before this Information Disclosure Statement is filed, Applicants respectfully submit that this Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement includes a certification as specified by

Section 1.97(e). Each document listed in this Information Disclosure Statement was first cited in a communication from the European Patent Office in a counterpart international PCT application, and this Information Disclosure Statement is being filed within thirty (30) days of the mailing date (May 27, 2005) of that communication. In accordance with 37 C.F.R. § 1.704(d), no negative patent term adjustment consequences will apply to this Information Disclosure Statement.

Copies of the listed foreign documents are attached. Copies of the U.S. patent publications are not enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

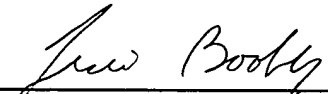
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

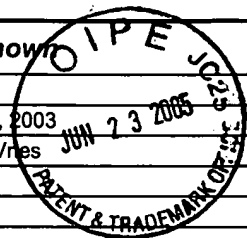
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 23, 2005

By: 
Leslie I. Bookoff
Reg. No. 38,084

IDS Form PTO/SB/08: Substitute for form 1449A/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>			<div style="text-align: right; font-weight: bold;">Complete if Known</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/748,243</td> </tr> <tr> <td>Filing Date</td> <td>December 31, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Robert B. DeVries</td> </tr> <tr> <td>Art Unit</td> <td>3739</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>06530.0295</td> </tr> </table>		Application Number	10/748,243	Filing Date	December 31, 2003	First Named Inventor	Robert B. DeVries	Art Unit	3739	Examiner Name	Unassigned	Attorney Docket Number	06530.0295
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Sheet	1	of	1													



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2003/0216754	11-20-2003	Kraemer et al.	
		US-2003/0120285	06-26-2003	Kortenbach	
		US-2003/0065359	04-03-2003	Weller et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 03/053253	07-03-2003	Rex Medical, L.P.		
		WO 02/24080	03-28-2002	Scimed Life Systems, Inc.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.